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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,346	09/30/2003	Jung-Tao Liu	LIU-25/2100.004100	5774
46290	7590	08/10/2005	EXAMINER	
WILLIAMS, MORGAN & AMERSON/LUCENT 10333 RICHMOND, SUITE 1100 HOUSTON, TX 77042			PHUONG, DAI	
			ART UNIT	PAPER NUMBER
			2685	

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/675,346	<b>Applicant(s)</b> LIU, JUNG-TAO	
	<b>Examiner</b> Dai A. Phuong	<b>Art Unit</b> 2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-12, 16 and 17 is/are rejected.
- 7) ☐ Claim(s) 5-7 and 13-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/08/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 8-12 and 16-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Whinnett et al. (Pub. No: 2004/0219919).

Regarding claim 1, Whinnett et al. disclose a method, comprising: determining timing associated with a first channel ([0045]. Specifically, Whinnett et al. disclose the UE sends scheduling information to the node B, for example on the **proposed enhanced dedicated channel (E-DCH) uplink channel**, in section [0044]. Then, Whinnett et al. disclose the node B responds to the scheduling information by scheduling one or more uplink transmissions for the UE and informs the UE of the scheduled uplink **transmission timing** in a scheduling assignment message (SAM) sent to the UE, in section [0045]); receiving a grant signal permitting transmission of information over a second channel ([0045] and [0046]. Specifically, Whinnett et al. disclose the node B responds to the scheduling information by **scheduling one or more uplink transmissions** for the UE and Whinnett et al. also disclose the suggested enhanced dedicated physical data channel (**E-DPDCH**) **may be used by the UE to send the data** to the node B); and transmitting information over the second channel at a time related to the timing of the first channel and a time at which the grant signal is received ([0045] and [0046].

Specifically, Whinnett et al. disclose at the **scheduled time**, the UE sends data to the node B and the suggested enhanced dedicated physical data **channel (E-DPDCH) may be used by the UE to send the data to the node B**).

Regarding claim 2, Whinnett et al. disclose all the limitation in claim 1. Further, Whinnett et al. disclose a method wherein transmitting information over the second channel further comprises transmitting information over the second channel at a time near a preselected target time while maintaining substantial orthogonality with the timing of the first channel ([0045]-[0046]).

Regarding claim 3, Whinnett et al. disclose all the limitation in claim 2. Further, Whinnett et al. disclose a method wherein transmitting information over the second channel at a time near a preselected target time further comprises transmitting information over the second channel at a time near a preselected period of time after receiving the grant signal ([0045] and [0046]).

Regarding claim 4, Whinnett et al. disclose all the limitation in claim 1. Further, Whinnett et al. disclose a method wherein transmitting information over the second channel further comprises transmitting information over the second channel a preselected duration of time after the timing associated with the first channel ([0046]).

Regarding claim 8, Whinnett et al. disclose all the limitation in claim 1. Further, Whinnett et al. disclose a method wherein receiving the grant signal further comprises receiving a grant signal from a base station (node B) permitting transmission of information by a mobile device over the second channel ([0045] and [0046]).

Regarding claim 9, Whinnett et al. disclose all the limitation in claim 1. Further, Whinnett et al. disclose a method wherein determining timing associated with the first channel further comprises determining timing associated with a first channel used to transmit information from a mobile device to a base station ([0044] and [0045]).

Regarding claim 10, Whinnett et al. disclose a method, comprising: determining timing associated with a first channel ([0045]. Specifically, Whinnett et al. disclose the UE sends scheduling information to the node B, for example on the **proposed enhanced dedicated channel (E-DCH) uplink channel**, in section [0044]. Then, Whinnett et al. disclose the node B responds to the scheduling information by scheduling one or more uplink transmissions for the UE and informs the UE of the scheduled uplink **transmission timing** in a scheduling assignment message (SAM) sent to the UE, in section [0045]); receiving a grant signal permitting transmission of information over a second channel ([0045] and [0046]. Specifically, Whinnett et al. disclose the node B responds to the scheduling information by **scheduling one or more uplink transmissions** for the UE and Whinnett et al. also disclose the suggested enhanced dedicated physical data channel (**E-DPDCH**) **may be used by the UE to send the data** to the node B); and transmitting information over the second channel at a time near a preselected target time while maintaining substantial orthogonality with the timing of the first channel ([0045]-[0046]. Specifically, Whinnett et al. disclose at the scheduled time, the UE sends data to the node B on a first code channel).

Regarding claim 11, Whinnett et al. disclose all the limitation in claim 10. Further, Whinnett et al. disclose a method wherein transmitting information over the second channel at a time near a preselected target time further comprises transmitting information over the second

channel at a time near a preselected period of time after receiving the grant signal ([0045] and [0046]).

Regarding claim 12, Whinnett et al. disclose all the limitation in claim 10. Further, Whinnett et al. disclose a method wherein transmitting information over the second channel further comprises transmitting information over the second channel a preselected duration of time after the timing associated with the first channel ([0045] to [0046]).

Regarding claim 16, Whinnett et al. disclose all the limitation in claim 10. Further, Whinnett et al. disclose a method wherein receiving the grant signal further comprises receiving a grant signal from a base station permitting transmission of information by a mobile device over the second channel ([0045]).

Regarding claim 17, Whinnett et al. disclose all the limitation in claim 10. Further, Whinnett et al. disclose a method wherein determining timing associated with the first channel further comprises determining timing associated with a first channel used to transmit information from a mobile device to a base station ([0044] and [0045]).

### ***Reasons for Allowance***

3. The following is an examiner's statement of reasons for allowance:

Claims 5 and 13 are objected

Claims 6-7 are objected as dependent on claim 5.

Claims 14-15 are objected as dependent on claim 13.

Claim 5 is objected to as being dependent upon a rejected base claim 4, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reason for the indication of allowance: the prior art made of record and considered pertinent to the applicant's disclosure does not disclose nor fairly suggest a method wherein transmitting information over the second channel a preselected duration of time after the timing associated with the first channel further comprises **determining the preselected duration of time by multiplying a variable (m) times a constant, wherein the constant is related to the timing of the first channel.**

Claim 13 is objected to as being dependent upon a rejected base claim 12, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reason for the indication of allowance: the prior art made of record and considered pertinent to the applicant's disclosure does not disclose nor fairly suggest a method wherein transmitting information over the second channel a preselected duration of time after the timing associated with the first channel further comprises **determining the preselected duration of time by multiplying a variable (m) times a constant, wherein the constant is related to the timing of the first channel.**

#### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Alapuranen et al. (Pub. No: 20050136923) fast switch of forward link in wireless system

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Lee et al. (Pub. No: 20050026642) using scheduled packed data service channel

Love et al. (Pub. No: 20040219920) enhanced uplink rate selection

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

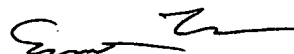
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong

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Date: 07-07-2005



EDWARD F. URBAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600